

REMARKS

By this Amendment, Applicants amend claims 14, 18, 24, 43, and 49 to improve form. With claims 1 and 2 having been previously canceled, claims 3-52 remain pending. In the Office Action of February 12, 2004¹ (“OA”), claim 14 was objected to for informalities; claims 3-14, 16-26, 28-39, and 41-51 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,061,713 to *Bharadhwaj* in view of U.S. Patent No. 6,009,464 to *Hamilton et al.* (“*Hamilton*”); and claims 15, 27, 40, and 52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bharadhwaj* in view of *Hamilton* in view of U.S. Patent No. 6,219,675 to *Pal et al.* (“*Pal*”). Reconsideration is respectfully requested in view of the following remarks.

Objection to claim 14

The Examiner objected to claim 14 for informalities, noting that a semicolon should replace the comma after the word “comprises” in the claim. Applicants have amended claim 14 to address the noted informality and deem the objection to the claim overcome.

Rejection of claims 3-14, 16-26, 28-39, and 41-51 under 35 U.S.C. § 103(a)

Applicants traverse the rejection of claims 3-14, 16-26, 28-39, and 41-51 under 35 U.S.C. § 103(a) for the following reasons.

In rejecting independent claim 3, the Examiner alleges that *Bharadhwaj* discloses “selecting a server to process ... [a] task ... forming a task request from parameters and data ... sending the task request to the selected server which invokes a generic compute technique capable of executing the task request on the selected server and generates results ... and

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

receiving the results back from the selected server...” (OA at 3). Applicants disagree with the Examiner’s interpretation of *Bharadhwaj*.

Bharadhwaj describes a system for simplifying the communications between clients and servers via a global naming system. (See col. 3, lines 34 et seq.) Contrary to the Examiner’s averment, *Bharadhwaj* does not disclose or suggest “forming a task request from parameters and data.” The relied-upon portion of the reference (col. 3, line 62 – col. 4, line 8) merely mentions that a client makes a “request for the named service to the port service module 122 via the port registration handle,” which includes the port service module address. Requesting a service via a handle that indicates an address does not constitute forming a task request from parameters and data.

Bharadhwaj further fails to disclose or suggest receiving task request results generated by a selected server from the selected server. Indeed, the relied-upon portion of *Bharadhwaj* (col. 3, lines 4, lines 31-38) simply describes a port service module returning to a client program an identifier, which is referenced during subsequent communications between the client and the port service module. Receiving an identifier does not constitute receiving from a selected server task results generated by the selected server. As affirmed by the Examiner (OA at 3), *Bharadhwaj* additionally fails to disclose “the server downloading any needed executable byte code” Applicants submit that *Bharadhwaj* also fails to suggest this feature.

Hamilton does not cure *Bharadhwaj*’s deficiencies. Although *Hamilton* describes (col. 8, lines 27-44) that a “code server 1100 typically downloads code to application program 1080, in response to requests from document server 1090,” the reference does not disclose, for example, forming a task request from parameters and data; sending the task request to the selected server which downloads any needed executable byte code, invokes a generic compute technique

capable of executing the task request on the selected server, and generates results; and receiving the results back from the selected server, as asserted by the Examiner.

Even if combing *Bharadhwaj* and *Hamilton* would yield all of the elements alleged by the Examiner, a *prima facie* case of obviousness has not been established with respect to claim 3 at least because the requisite motivation to combine these references is lacking. Determinations of *prima facie* obviousness must be supported by a finding of “substantial evidence.” See *In re Zurko*, 258 F.3d 1379, 1386 (Fed. Cir. 2001). Specifically, unless “substantial evidence” found in the record supports the factual determinations central to the issue of patentability, including motivation, the rejection is improper and should be withdrawn.

In this case, there is no “substantial evidence” in the record to support the alleged combination of *Bharadhwaj* and *Hamilton*, and the requisite “clear and particular” motivation to support a *prima facie* case of obviousness is lacking. The Examiner does not show that a skilled artisan having the cited art before him would have been motivated to combine the references in the manner alleged. According to the Examiner (OA, page 4), it would have been obvious to a skilled artisan “to combine [the references] since the combination ... increases the flexibility in assigning tasks to servers.” According to the Examiner,

Bharadhwaj distributes tasks among available servers based solely on the characteristics of a domain port. This limits the number of servers a task can be distributed to since a server may only be able to handle certain types of requests. *Hamilton* allows a server to download the documents and processing code necessary to service a request. Thus, the servers in *Hamilton* are able to service any type of request, thereby adding a degree of flexibility to the selection criteria for determining which server should service a request.

These statements do not establish the required motivation to combine the references. To begin with, the Examiner provides no evidence, beyond pure conjecture, to show that *Hamilton*’s servers can service “any type of request.” Further, while stating that tasks are distributed in

Bharadhwaj “based solely on the characteristics of a domain port,” the Examiner alleges that the ability to service requests would “add a degree of flexibility to the to the selection criteria for determining which server should service a request.” This statement is unsupported and contradictory: Because the selection criteria is, as the Examiner states, “solely” the characteristics of a domain port (and since the Examiner does not show that the ability to service a particular type of request would affect the characteristics of a domain port), the capability of servers to service various requests would not add flexibility to the selection criteria.

Moreover, the Office Action fails to establish that either of the cited references contemplates addressing the alleged selection criteria “flexibility” issues. While alleging that *Bharadhwaj* and *Hamilton* disclose certain features, the Examiner does not show that these references contemplate adding “a degree of flexibility to the selection criteria for determining which server should service a request.” The Office Action also fails to establish that either of the cited references contemplates the problems associated with distributed computing systems set forth and addressed in Applicants’ specification.²

For at least the reasons advanced above, Applicants submit that the rejection of independent claim 3 under 35 U.S.C. § 103(a) is not supported by the relied-upon references and should therefore be withdrawn.

With regard to independent claim 18, the Examiner alleged (OA at 10) that *Bharadhwaj* discloses “invoking a generic compute method on the server, which is capable of processing a plurality of types of tasks, which execute[s] the task and generates results ... and returning results to the client.” Applicants disagree.

² In referring to the specification above, Applicants do not intend to limit the scope of the claims to the exemplary embodiments shown in the drawings and described in the specification. Rather, Applicants expressly affirm their entitlement to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Bharadhwaj fails to teach or suggest, for example, “invoking a generic compute method ... which is capable of processing a plurality of types of tasks,” as asserted by the Examiner. The relied-upon portion of the reference (col. 3, line 62 – col. 4, line 8) states that the port service module “initiates the first instance of the second server program 114a.” Even if the server program 114a were consistent with a compute method, the Examiner provides no evidence to show that server program 114a is a generic compute method “capable of processing a plurality of types of tasks.” The Examiner notes (OA at 9-10) that *Bharadhwaj* mentions a client making a request for a service and a port service module then selecting a domain port identified by the request and initiating server program 114a. The Examiner appears to equate a “task” with a client-requested service. The Examiner, however, does not show that server program 114a is a generic method operative to process a plurality of types of service requests. Accordingly, to the extent the Examiner is alleging that server program 114a is capable of processing a plurality of service requests, such an allegation is not properly supported in the Office Action.

As explained in connection with claim 3, *Bharadhwaj* further fails to teach or suggest receiving task request results generated by a selected server from the selected server. And as affirmed by the Examiner (OA at 3), *Bharadhwaj* additionally fails to disclose or suggest “the server downloading any needed executable byte code”

Hamilton does not cure *Bharadhwaj*’s deficiencies. Although *Hamilton* describes (col. 8, lines 27-44) that a “code server 1100 typically downloads code to application program 1080, in response to requests from document server 1090,” the reference does not disclose, for example, downloading any needed executable byte code; invoking a generic compute method, capable of processing a plurality of types of tasks, on the server, which executes the task and generates results; and returning results to the client, as asserted by the Examiner. Even if combing

Bharadhwaj and *Hamilton* would yield all of the elements alleged by the Examiner, a *prima facie* case of obviousness has not been established with respect to claim 18 for at least the reasons presented above in connection with claim 3.

The Examiner stated in the Office Action that “the discussion presented ... for claims [3 and 18] ... form the basis for rejection of ... [independent 28 and 43] as well” (OA at 15). For at least the reasons advanced above in connection with claims 3 and 18, the rejection of independent claims 28 and 43 should be withdrawn.

In light of the foregoing, Applicants submit that the rejection of independent claims 3, 18, 28 and 43 should be withdrawn. The rejection of claims 4-14, 16, 17, 19-26, 29-39, 41, 42, and 44-51 should be withdrawn as well, at least because of the respective dependence of these claims from base claim 3, 18, 28 and 43. Accordingly, Applicants request withdrawal of the rejection of claims 3-14, 16-26, 28-39, and 41-51 under 35 U.S.C. § 103(a) based on *Bharadhwaj* and *Hamilton* and the timely allowance of these pending claims.

Rejection of claims 15, 27, 40, and 52 under 35 U.S.C. § 103(a)

Applicants traverse the rejection of claims 15, 27, 40, and 52 under 35 U.S.C. § 103(a) for the following reasons.

With regard to claim 15, the Examiner conceded (OA at 16) that *Bharadhwaj*, modified in view of *Hamilton* as alleged, fails to disclose “indicating to the server that results from a computed task should be stored in a result cache on the selected server for subsequent tasks to use.” Applicants submit that *Bharadhwaj* and *Hamilton* fail to teach or suggest this feature. *Pal* does not cure the deficiencies of *Bharadhwaj* and *Hamilton*. The relied-upon portion of *Pal* mentions that a “secondary storage device 412 contains an object cache 426 that contains ... results of previous queries performed on the DBMS 206” (col. 7, line 47 – col. 8, line 11). Although *Pal* mentions caching database objects for subsequent use, the relied-upon portion of

the reference does not teach or suggest “indicating to the server that results from a computed task should be stored in a result cache on the selected server,” as asserted by the Examiner. Caching by a server is not the same as indicating to a server that results should be stored in a cache. That a server caches results does not portend that the server receives an indication to cache results from a task.

Even if combining *Bharadhwaj*, *Hamilton*, and *Pal* would yield all of the elements alleged by the Examiner, a *prima facie* case of obviousness has not been established with respect to claim 15 at least because the requisite motivation to combine these references is lacking. As explained above in connection with claim 3, the requisite motivation is lacking with respect to *Bharadhwaj* and *Hamilton*. Further, Applicants submit that there is no “substantial evidence” or “clear and particular” motivation in the record to support the alleged combination of *Bharadhwaj*, *Hamilton*, and *Pal*. The Examiner does not show that a skilled artisan having the cited art before him would have been motivated to combine the references in the manner alleged. According to the Examiner (OA, page 16), a skilled artisan would have combined the references “since in the case that subsequent tasks perform similar operations, or may perform additional work on an object, storing the result cache on the server would reduce the required execution time ... [and] reduces the communication time associated with a network.” These statements do not establish the required motivation to combine the references. For example, the Examiner fails to show, by substantial evidence on the record, that combining the references would indeed reduce the “required execution time” or the “communication time associated with a network” in the systems disclosed by the references.

For at least the reasons advanced above, Applicants submit that the rejection of claim 15 under 35 U.S.C. § 103(a) is not supported by the relied-upon references and should therefore be withdrawn.

With regard to claim 27, the Examiner conceded (OA at 16-17) that *Bharadhwaj*, modified in view of *Hamilton* as alleged, fails to disclose “storing the results from the task in a cache if a subsequent task will use the results.” Applicants submit that *Bharadhwaj* and *Hamilton* fail to teach or suggest this feature. *Pal* does not cure the deficiencies of *Bharadhwaj* and *Hamilton*. As noted above, the relied-upon portion of *Pal* mentions an “object cache 426 [containing] ... results of previous queries performed on the DBMS 206” (col. 7, line 47 – col. 8, line 11). Although *Pal* mentions caching database objects for subsequent use, the relied-upon portion of the reference does not teach or suggest “storing the results from the task in a cache if a subsequent task will use the results,” as asserted by the Examiner. Indiscriminately caching results of queries does not constitute “storing the results from the task in a cache if a subsequent task will use the results.”

Even if combining *Bharadhwaj*, *Hamilton*, and *Pal* would yield all of the elements alleged by the Examiner, a *prima facie* case of obviousness has not been established with respect to claim 27 at least because the requisite motivation to combine these references is lacking, as discussed above in connection with claim 15.

For at least the reasons advanced above, Applicants submit that the rejection of claim 27 under 35 U.S.C. § 103(a) is not supported by the relied-upon references and should therefore be withdrawn. Applicants submit that the rejection of claims 40 and 52 should be withdrawn for the reasons presented above in connection with claims 15 and 27. Moreover, the rejection of claims

15, 27, 40, and 52 should be withdrawn at least because of the dependence of these claims from base claims 3, 18, 28, and 43.

Accordingly, Applicants request withdrawal of the rejection of claims 15, 27, 40, and 52 under 35 U.S.C. §103(a), based on *Bharadhwaj*, *Hamilton*, and *Pal*, and the timely allowance of these pending claims.

Conclusion


In view of the foregoing, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 
Frank A. Italiano
Reg. No. 53,056